

## Notice of Decision

|                            |  |
|----------------------------|--|
| <b>Registrant</b>          | Joanne Muir  |
| <b>Registration number</b> | 3033087  |
| <b>Part of Register</b>    | Supervisors in a Care Home Service for Adults                  |
| <b>Town of employment</b>  | Cowdenbeath  |
| <b>Sanction</b>            | Warning to stay on your registration for a period of 12 months |
| <b>Date of effect</b>      | 19 July 2023   |

This is notice of a decision of the Scottish Social Services Council (SSSC).

### Our decision

We decided:

1. that based on the facts found your fitness to practise is impaired, as defined in Rule 2 of Part 1 of the Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017 and the Fitness to Practise (Amendment) Rules 2021
2. to place a warning on your registration, on the part of the Register for Supervisors in a Care Home Service for Adults for a period of 12 months.

### Findings of fact

We decided there is evidence that while employed as a Senior Care Assistant by Kingdom Homes at Craigie House, Crossgates and during the course of your employment, you did:

1. on 8 June 2022 while assisting service user AA who was lying on the ground following a fall, shout:
  - a. 'she is covered in shite,' or words to that effect
  - b. 'her ass is in my face,' or words to that effect
  - c. 'think she pish on me,' or words to that effect
2. on an unknown date shout at service user BB 'Don't you shout at her like that,' or words to that effect
3. by your actions at allegation 2 cause BB distress

and your fitness to practise is impaired because of your misconduct.

### **Reasons for finding your fitness to practise is impaired**

1. Your fitness to practise is impaired because:
  - a. your behaviour is serious. You have on more than one occasion shouted at service users in your care. You have used inappropriate language whilst communicating with AA and BB which was likely to have caused emotional and psychological harm. As a social service worker, you are expected to communicate in an open, accurate and straightforward way. Service users have the right to expect that they will be treated with dignity and respect and protected from harm. However, shouting at AA 'she is covered in shite', 'her ass is in my face' and 'think she pish on me' was likely to impact on AA's self-esteem and wellbeing.
  - b. you have not acted in the best interests of service user AA and BB. You have failed to provide a level of care and support required of someone who works in the care sector. The behaviour you demonstrated falls well below the professional standards expected of a social service worker. Your behaviour has brought into question your suitability to work in the sector and has raised a concern that your behaviour may relate to an underlying values issue. You have failed to show a level of insight or remorse for your behaviour. You admitted to your employer that you shouted at BB because you didn't like the way that BB was speaking to another service user. You were employed as a senior care assistant and should have been role-modelling good practice to your colleagues and service users.
  - c. you have breached the trust and confidence placed in you as a social service worker by your employer, colleagues, members of the public and service users. Prior to this incident you had worked in the social services sector for a long time, and it would be reasonable to consider that you were experienced and able to deal with situations involving service users appropriately. Your behaviour impacts on the reputation of the profession and members of the public would expect the SSSC as the professional regulator to make a finding of impairment in this case.

In relation to findings of fact 1-3 you have failed to follow parts 2.1, 2.2, 2.4, 5.1, 5.7, 5.8, 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

### **The sanction**

After referring to our Decisions Guidance, we decided the appropriate sanction is to place a warning on your registration for a period of 12 months.

## **Reasons for the sanction**

When making our decision we considered the following factors:

### **Factors of concern**

- You have failed to show a level of insight or remorse for your behaviour.
- You have demonstrated a disregard for the Codes.
- Your behaviour took place within your place of work and during a time you were trusted to provide care and support to vulnerable service users.
- Your behaviour forms a pattern of behaviour.

### **Factors in your favour**

- You have a previous good history of working in the social services sector.

## **Documents we have referred to**

When making our decision, we referred to the documents:

- Regulation of Care (Scotland) Act 2001
- Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017 and the Fitness to Practise (Amendment) Rules 2021
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

## **Imposing the warning on your registration**

Under the Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017 and the Fitness to Practise (Amendment) Rules 2021, we can impose a warning on your registration if you do not ask for a hearing.

We wrote to you on 1 June 2023 to tell you we wanted to place a warning on your registration. After explaining the consequences of not asking for a hearing, and recommending you take legal advice, you have not asked that the case is referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this warning on your registration.

## **Date of effect**

The notice comes into effect on 19 July 2023.